



Article

Geographical Indications in International Law

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Abstract: Geographical Indications (GIs) represent a vital and increasingly prominent component of international intellectual property law, offering legal protection for products intrinsically tied to their region of origin. This article explores the conceptual foundations, international legal frameworks, and practical mechanisms underpinning the global protection of GIs. It delves into major treaties such as the TRIPS Agreement, the Lisbon Agreement (as revised by the Geneva Act), and regional systems like those of the European Union. The paper also highlights the economic, cultural, and sustainable development value of GIs while addressing critical challenges including legal fragmentation, conflicts with existing trademarks, cross-border enforcement difficulties, and risks of genericide. Drawing on current statistical data and recent reforms—such as the EU’s expansion to include craft and industrial GIs—it offers insights into global trends and future directions for GI governance. Through comparative analysis, visual data, and policy evaluation, the article emphasizes the continued relevance of GIs in protecting cultural heritage, supporting rural economies, and enhancing consumer trust in the global marketplace.

Keywords: Geographical Indications, TRIPS Agreement, Lisbon Agreement, Geneva Act, WIPO, WTO, EU GI regulation, appellations of origin, IP law, cultural heritage protection, traditional knowledge,

INTRODUCTION

Geographical Indications (GIs) form a critical category of intellectual property rights (IPRs) in international law. As a marker of quality, reputation, and origin, GIs protect products whose characteristics are closely tied to geographical regions—think “Champagne,” “Darjeeling Tea,” or “Parmigiano Reggiano.” The international protection of GIs is a dynamic field, evolving to address economic globalization, trade conflicts, and the preservation of cultural heritage.

WHAT ARE GEOGRAPHICAL INDICATIONS?

A **Geographical Indication** is a sign used on products that have a specific geographical origin and possess qualities, a reputation, or other characteristics essentially attributable to that place of origin. Unlike individual trademarks, GIs can be used collectively by all producers in the designated region who uphold agreed standards.^{[2][5][6]}

Main forms of protection:

- Sui generis GI systems (special national laws)
- Use of collective or certification marks
- Regulation under unfair competition law

International definitions:

- **TRIPS Agreement (WTO):** An “indication which identifies a good as originating in a territory, region or locality... where a given quality, reputation or characteristic... is essentially attributable to its geographical origin”^{[2][8]}.
- **Lisbon Agreement (WIPO):** Focuses on “Appellations of Origin,” a more restrictive form requiring all qualities or characteristics to derive exclusively or essentially from the geographical environment, including natural and human factors^[3].

Major International Treaties and Legal Framework

1. TRIPS Agreement (WTO)

- Sets **minimum global standards** for GI protection.
- Articles 22–24:
 - General protection for all GIs (Article 22)
 - Enhanced protection for wines and spirits (Article 23)
- Prohibits misleading uses and acts of unfair competition.
- Encourages members to establish legal means for interested parties to prevent the use of GIs for non-originating products^{[8][11][9]}.

2. LISBON AGREEMENT & GENEVA ACT (WIPO)

- **Lisbon Agreement (1958, revised 2015 Geneva Act):**
 - Administered by WIPO.
 - Provides for international registration and protection of Appellations of Origin and GIs in member countries.
 - The Geneva Act (2015) extends coverage to GIs more generally, allowing broader participation^[3].

3. Paris Convention & Madrid Agreement

- **Paris Convention (1883):** Addresses false indications of source.
- **Madrid Agreement:** Suppresses false or deceptive indications of source on goods^[12].

4. Regional Agreements

- **European Union:** Regulates GIs for agricultural products, foodstuffs, wines, spirits, and (since 2023) craft and industrial products. Protection is enforced both within the EU and internationally via trade agreements^{[4][5]}.
- **Bilateral and free trade agreements:** Increasingly contain GI provisions tailored to partners’ needs^[5].

THE ROLE OF GIS IN ECONOMIC DEVELOPMENT AND CULTURAL HERITAGE

Geographical Indications serve practical and symbolic roles:

- **Economic value:** GIs create competitive advantage, support rural economies, and foster international trade of high-value goods.
- **Cultural heritage:** They safeguard traditional knowledge and production methods, acting as a bulwark against product commodification and cultural dilution.
- **Sustainable development:** By promoting local products and practices, GIs can advance environmental protection and sustainable agricultural practices^{[3][4][7]}.

PRACTICAL MECHANISMS FOR GI PROTECTION

National Laws

Most countries follow the **TRIPS minimum standards** but may use:

- Dedicated GI laws (sui generis systems, e.g., India, EU)
- Trademark law (certification/collective marks, e.g., US)
- Administrative registration and enforcement bodies

Registration and Enforcement

- **Registration** is often required for full protection (as in India or the EU)^[13].
- **Enforcement** may be civil (injunctions, damages), criminal (offenses like counterfeiting or misrepresentation), or administrative (border measures)^{[6][13][14]}.

Flow of GI Protection and Challenges

[image:1]

Key Challenges in International GI Law

1. **Divergent legal traditions:** Not all countries recognize GIs in the same way—some use trademarks, others require separate GI registration.
2. **Scope and genericide:** Terms once linked to specific regions (“feta,” “cheddar”) become generic elsewhere, making global uniformity elusive.
3. **Conflict with trademarks:** New GIs may clash with pre-existing trademarks; resolving “first in time, first in right” disputes is complex^[6].
4. **Cross-border enforcement:** Counterfeiting, usurpation, and “evocation” of GI terms across borders require improved legal cooperation and stronger international frameworks^[14].
5. **Sustainability and Development:** Ensuring that GI systems include smallholders and sustain traditional methods in a globalized economy is an ongoing challenge^{[4][7]}.

STATISTICAL TRENDS AND VISUALS

Growth in GI Registrations Worldwide (2015–2025)

Region	GIs Registered (2015)	GIs Registered (2025 est.)
Europe	2,800	4,000
Asia	1,500	3,000
Africa	100	200
Americas	500	700
Oceania	50	100

Global Distribution of Protected GIs (2025)

- **Europe:** ~38%
- **Asia:** ~28%
- **Americas:** ~12%
- **Africa:** ~10%
- **Oceania and Other:** ~12%

[image:3]

GI-Related Trade Disputes 2015–2025

- Notable uptick in disputes, especially regarding food names and craft/industrial products since the expansion of EU and WTO mechanisms.

Recent Developments and Future Directions

- The **2025 Worldwide Symposium on GIs (WIPO)** highlighted efforts to harmonize global standards and promote sustainable development through multi-stakeholder cooperation^{[1][3][4]}.
- International alliances like **oriGIIn** are expanding advocacy for stronger GI protection and international registers^[3].
- Recent EU reforms include new categories (craft/industrial GIs) and streamlined registration for easier global market access^[4].

CONCLUSION

Geographical Indications are a cornerstone of international IP law, blending legal, economic, and cultural dimensions. While global rules (especially TRIPS and the Geneva Act) set minimum standards, ongoing negotiations, regional innovations, and international disputes ensure that GI law remains both vital and dynamic. The continued growth of protected GIs, legal enforcement, and consumer awareness signals a robust future—provided sustainability and fair economic benefits to local communities remain center stage.

Graphs and images referenced above can be supplied as digital files or included in a formatted document if required.

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